

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA

v.

ADALBERTO RIVAS MACHADO,

Defendant.

No. 1:24-mj-337

UNDER SEAL

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Christine Bingham being first duly sworn, hereby depose and state as follows:

Background

1. I am a Special Agent of the United States Department of Homeland Security—Homeland Security Investigations (HSI), which is the investigative component of Immigration and Customs Enforcement, empowered under the statutory authority of Title 19, United States Code, Section 1589a and Title 8, United States Code, Section 1357. I am an investigator or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations and to make arrests. I have been employed in this capacity since December of 2020.

2. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the HSI Special Agent Training Program. I am currently assigned to the HSI Washington, D.C./Northern Virginia Field Office. Since April of 2023, I have been assigned, specifically, to the Human Smuggling/Trafficking Group, and since July 2024, I have been working jointly with the Public Safety Group. This group aims to combat the proliferation of transnational, organized crime through the disruption and dismantlement of gang operations; to trace and seize cash and other assets derived from criminal enterprises; and to

criminally prosecute or administratively remove violent gang members and their associates who pose a threat to public safety.

3. I submit this affidavit in support of a criminal complaint and arrest warrant charging ADALBERTO RIVAS MACHADO with possession of a firearm and ammunition by a prohibited person—here, an alien illegally present in the United States—in violation of Title 18, United States Code, Section 922(g)(5)(A).

4. The facts in this affidavit come from my personal observations, my training and experience, and information and evidence obtained from other agents, law enforcement officials, witnesses, and my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains only the information necessary to support probable cause. It is not intended to include each and every fact and matter observed by me or known to the United States.

Probable Cause

5. On July 13, 2024, at approximately 3:44 p.m., Fairfax County Police Department (FCPD) officers responded to a call that a Hispanic male, wearing all grey clothing, was brandishing a purple handgun at the Harmony Trailer Park, in Fairfax County, Virginia, within the Eastern District of Virginia. The caller said that this individual was with another Hispanic male wearing all black clothing and a female.

6. FCPD Officer Moises Romero was one of the first officers to arrive on scene. He was in full uniform and driving a marked FCPD cruiser. As Officer Romero drove to the rear of the property, he observed a Hispanic male wearing a grey tank top and sweatpants who was later identified as ADALBERTO RIVAS MACHADO. Also present were another Hispanic male wearing all black clothing and a female. The three individuals looked at Officer Romero and started

walking in the opposite direction.

7. Officer Romero exited his vehicle and told RIVAS MACHADO, “let me see your hands!” RIVAS MACHADO took off running down the street and then between trailers. He was detained a short distance away. During a subsequent pat-down, Officer Romero located a purple Taurus handgun, bearing serial number ABE566248, in RIVAS MACHADO’s sweatpants above his left ankle. The firearm was loaded with 9mm Luger hollow point ammunition.



8. RIVAS MACHADO said that he did not have a permit to carry a concealed weapon. RIVAS MACHADO did not have any identification. He said that he was illegally present in the United States.

9. Later, Officer Romero read RIVAS MACHADO his *Miranda* rights in Spanish. RIVAS MACHADO waived his rights and agreed to speak with the officer. RIVAS MACHADO again stated that he did not have a permit to carry a concealed weapon. He said that he carries a

firearm because of threats he received from a group of guys. RIVAS MACHADO said that he has been present in the United States for seven years and he does not have legal status.

10. On July 22, 2024, Officer Romero test-fired the pistol that he recovered from RIVAS MACHADO by loading cartridges into the magazine and firing the weapon. Based on my training and experience, I know that the firearm possessed by RIVAS MACHADO on July 13, 2024, constitutes a firearm pursuant to Title 18, United States Code, Section 921(a)(3).

11. I contacted Enforcement Removal Operations and confirmed that, according to their records, RIVAS MACHADO is a citizen of El Salvador who entered the United States illegally in 2018. I confirmed that an immigration judge issued a Final Order of Removal for RIVAS MACHADO on or about October 3, 2019.

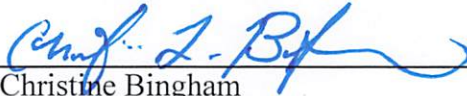
12. I personally reviewed RIVAS MACHADO's immigration file maintained by U.S. Citizenship and Immigration Services. The file, also known as an alien file, revealed that RIVAS MACHADO is a citizen and national of El Salvador. According to the Record of Deportable/Inadmissible Alien, located within the file, RIVAS MACHADO was encountered and arrested on or about June 22, 2018, by a Border Patrol Agent in the Rio Grande Valley, Texas Border Patrol Sector. RIVAS MACHADO had unlawfully entered the United States from Mexico, specifically, near Roma, Texas. The file contains a Notice to Appear before an immigration judge, dated June 24, 2018, and continuation page, which provides the date and time to appear as October 23, 2018, at 9:00 a.m. The form specifies that the respondent (RIVAS MACHADO) was served this information in person. Immigration Judge Richard R. Ozmun issued an order, dated October 3, 2019, which states the respondent shall be removed to El Salvador. Additionally, this order states that the respondent's failure to appear and proceed with any applications for relief from removal constitutes an abandonment of any pending applications and any applications the

respondent may have been eligible to file.

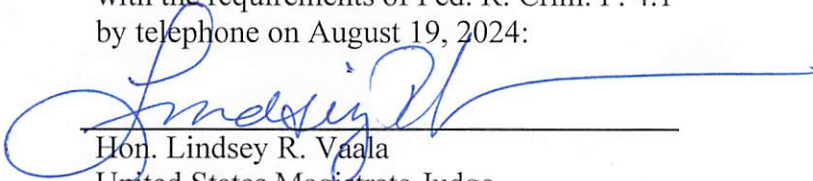
CONCLUSION

13. Based on the information provided in this affidavit, I submit that probable cause exists to believe that on or about July 13, 2024, in Fairfax County, Virginia, within the Eastern District of Virginia, ADALBERTO RIVAS MACHADO, knowing that he was an alien illegally present in the United States, did knowingly possess a firearm and ammunition, in violation of Title 18, United States Code, Section 922(g)(5)(A).

Respectfully submitted,


Christine Bingham
Special Agent
Homeland Security Investigations

Attested to by the applicant in accordance
with the requirements of Fed. R. Crim. P. 4.1
by telephone on August 19, 2024:


Hon. Lindsey R. Vaala
United States Magistrate Judge

Alexandria, Virginia